

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

**Approved 4/22/13**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 8th day of April 2013 A.D. at 7:00 p.m.

President Roderick opened the meeting with the Pledge of Allegiance to the Flag.

<b>Roll Call:</b>	<b>Edward A. Roderick-President</b>	<b>William P. Gerlach</b>
	<b>Denise M. deMedeiros-Vice President</b>	<b>Jay J. Lambert</b>
	<b>James Arruda</b>	<b>Brett N. Pelletier-Absent</b>
	<b>Joan B. Chabot</b>	

Town Administrator, James C. Goncalo and Town Solicitor, Andrew M. Teitz were also present.

**Approval of Consent Agenda:**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

President Roderick read the items on the Consent Agenda. There were no items removed from the CA.

Councilor Lambert made a motion, seconded by Councilor deMedeiros to approve the items on the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

**CONSENT AGENDA:**

**A-1-Approval of Minutes of Previous Meeting:**

a. Approval of Minutes Regular Council Meeting March 25, 2013

**A-2-Receipt of Minutes from the Following Boards, Commissions**

a.Arts Council	d.Board of Canvassers
b.Harbor & Coastal Waters Management Commission	e.Planning Board
c.Zoning Board of Review	f.Conservation Commission

**A-3-Correspondence – Receive and File**

a.Foster Town Council – Resolution Opposing Mandatory Binding Arbitration on Monetary Matters for Teachers  
b.Town of Charlestown –Resolutions Opposing Mandatory Binding Arbitration Legislation, Opposing S-0640, S-0672 and H5425 the OWTS Bill and Objecting to H-5703 the Dry Lands Bill and Objecting to H-5393 Municipal Notice Registry Bill  
c.Received from Armenian National Committee of RI – Request to Have Armenian Flag Raised Proclaiming April 24, 2013 as Armenian Genocide Remembrance Day

**A-4-Kate Michaud, Planning Administrative Officer – March Report**

**A-5-Town Administrator – Distribution of Department Reports for March**

**A-6-John Cordeiro, Megan L. Cordeiro Memorial Foundation – Request Permission to Hold 5<sup>th</sup> Annual Miles for Megan Bike Ride/Walk on Saturday, October 5, 2013 – Tiverton and Little Compton Police Chief Recommendations**

**A-7-Town Solicitor – Scheduling of Public Hearing on May 28th for Amendment to Code of Ordinances Adding New Chapter 8: Substances Prohibited**

## **OPEN PUBLIC FORUM**

Joseph Bossom spoke against windmills being in residential and agricultural areas belong in industrial areas, affects milk and egg production, sleep. Jamestown has a moratorium, should look at carefully. Barbara Pelletier discussed the recent road race held on Saturday around Nonquit area. The traffic flow was not as smooth as in the past, suggested Chief Blakey review traffic patterns.

## **BUSINESS BROUGHT BEFORE THE COUNCIL**

### **PUBLIC HEARINGS & PUBLIC PRESENTATIONS:**

#### **PUBLIC PRESENTATIONS**

#### **Kate Michaud – Planning Dept. – Review of Planning Challenge Grant Project Progress and Timeline Moving Forward**

Kate Michaud, Planning Board Administrative Officer and Ken Buckland from the Cecil Group, consultants on this project updated the Council on the Challenge Grant. Mr. Buckland explained the grant was to look at form based zoning regulations to encourage development and to create character. Form based zoning regulation is presented as a hybrid. The five sections in draft form include changing to zoning districts and sub districts, changing the dimensional use table, design guidelines, proposed transportation improvements included as an element of the Comprehensive Plan (Comp Plan) and supplemental information including reference materials on how the design process works. Next will be an open hearing to learn more and discuss finalizing the regulations, then the draft will go to the Planning Board and then the Council. Mr. Buckland praised the Board and Commission volunteers and employees who have been very helpful. It is a worthwhile process for a fairly complex set of regulations. Councilor Gerlach thanked both for their time and input on the process has been very informative.

Solicitor Teitz had met with both, reviewed the draft, see as going further with a joint workshop. Ms. Michaud explained first there would be a public open house, then a Planning Board meeting to review, then forwarded to the Town Council for an advertised public hearing. Will make sure everyone is aware of the date. President Roderick thanked both for the hard work.

#### **Planning Board – Discussion Regarding Comp Plan**

Solicitor Teitz requested adding to the agenda for the purpose of discussion for scheduling only a joint meeting with the Planning Board on a pre-application about to be filed by Caprionato Corp.

Councilor deMedeiros made a motion, seconded by Councilor Gerlach to add to the agenda for discussion a proposed joint meeting on April 29, 2013. Motion passed unanimously.

#### **Added to Agenda- Discussion on Scheduling Joint Meeting on April 29, 2013**

Solicitor Teitz explained a proposal was about to come forward for a development on Souza Road known as the McGuinness property and the Britto property off Main Road. They will be coming to the Planning Board for a pre-application meeting. Was a highly controversial proposal in the past. The developer is interested in getting input, normally would go to Planning Board and then to Council. Solicitor Teitz suggested a joint meeting, a pre-application meeting for the Planning Board and a joint meeting for the Council so the presentation can be made in public. Will not be a public hearing, only the Council and Planning Board can ask questions. Talked to Attorney Moses, suggested April 29<sup>th</sup>, the fifth Monday of the month usually held for workshops. Planning Board Chair Steve Hughes was not aware of precedence, need to poll members. Solicitor Teitz noted joint meetings were common in other communities, the Planning Board will not be voting nor will the Town Council, an opportunity to see and hear what is going to be proposed. President Roderick agreed good idea to see at the same time.

At this time, Chairman Hughes called the Planning Board members in attendance, Stu Hardy, Carol Guimond, Rosemary Eva, and David Holmes to come forward for the discussion on the Comp Plan. Ms. Michaud explained the Comp Plan update was due by November 2014, is not a short process. Councilor Gerlach noted it was important to bring the Planning Board and the Council together. It is a fair amount of work, is a question of what can be done now with the limitation of the calendar and advertising budget. The Clerk did not receive any applications from volunteers to join committee; only have \$10,000 for a potential consultant. Chairman Hughes explained, some things mandated, some may want to address. Suggested starting a Steering Committee with other Board and Commission members to split up the work. Also looking for a planning consultant to join in the effort.

Ms. Michaud explained an RFP was done last time, still have all the documentation. Important to have a consultant to identify what has to be updated. The last time the Steering Committee consisted of volunteers from the School Committee, Police and Fire Departments, Harbor Commission and the Economic Development Commission. Suggested adding someone from the Senior Center and Stafford Pond, Conservation and Open Space. Ms. Michaud noted the Cecil Group did a lot of work already; one other aspect to this project is updating maps and statistics with the budgetary constraints. The actual submission is time consuming; have to do a conversion chart on what was added or removed and why it was done. Requires professional mapping service. The last time it took four years to complete and three years for the State to approve. Have to request in writing with a work plan if asking for a delay. Ms. Michaud suggested recruiting now, get the word out to the Boards and Commissions and appoint a Council liaison to the Comp Plan Comm. Councilor Gerlach suggested looking at the timeframe, money, and people to see what can be done this year. President Roderick agreed, a daunting task, requested the Clerk and Town Administrator (T/A) reach out to the Boards and Commissions to appoint liaisons. Mr. Hardy noted this to be a project, requires a schedule and a project manager. Really need to determine as some will be more willing when a project manager is known. Chairman Hughes explained, was a Planning Board decision, can set up a Steering Committee. Ms. Michaud noted the Comp Plan was best accessed through the Statewide Planning page. Councilor Gerlach thanked all for coming.

Solicitor Teitz clarified, for the agenda on April 29th suggests a joint workshop with the Planning Board first on agenda, the Council may have other items on the agenda. Ms. Eva requested the Planning Board Solicitor Peter Ruggiero be in attendance as well. Solicitor Teitz will contact Attorney Ruggiero. Ms. Michaud noted it would be a Planning Board meeting and a joint workshop with the Town Council.

#### **Gary Rose, Chair Recreation Commission – Council Update**

Gary Rose, Recreation Commission Chairman, member Deb Ebbitt and Maintenance Foreman Bob Martin appeared before the Council to provide an update on Town recreation areas. Chairman Rose explained the Town has 9 facilities including 2 beaches, well used and maintained. Mr. Martin started with the Bay View Playground, recently received \$500 for railroad ties, sand, new nets and basketball hoops, applied for CDBG Grant money. At Bulgarmarsh Park working toward a gazebo, received a \$10,000 grant from Newport Hospital for an obstacle course. Grinnell's Beach mainly working on maintenance; Fogland working on rebuilding the sand dunes received CRMC permission to move the playground to the south side of the bath house. Chairman Rose thanked the DPW for the hard work. Fort Barton field in good condition, the Little League field needs new concession stands. All the fields need re-fencing. Town Farm most everything is lacking, looking for volunteers to take on a project, or do fundraising or write grant requests. Chairman Rose added Town Farm is in dire need of repairs to the tennis court and the fencing. Ms. Ebbitt added the wood is not up to code, cannot replace, need to rebuild and meet code. Councilor Lambert noted, have not had a complaint but have received many compliments on Bulgarmarsh Park, wanted to identify all the other play areas in the Town. Suggest providing the Council with a set of priorities and a workable plan. Chairman Rose will put together an action list of priorities. Mr. Martin was looking for volunteers for the new Ranger recreation area, made arrangements for septic facilities by way of the School Department, will put in a pipe for the concession stand. Chairman Rose invited everyone to the Recreation meetings held at the Community Center on the second Tuesday of the month. Councilor Gerlach recognized the efforts of the entire Recreation Commission, the fields are well used, adds a significant amount to

the quality of life in the community. Chairman Rose explained, trying to be more diverse, do not have a lot for teenagers, have one vacancy on the Committee. President Roderick thanked everyone for the hard work, is recognized throughout the Town, and well appreciated. T/A Goncalo noted last year applied for two grants to DEM for the Soccer Complex and Town Farm, did not get any, will try again. Mr. Martin was hoping to have the gazebo in place by the end of this fiscal year, need \$30-50k for the gazebo, have \$22k.

#### **ADVERTISED PUBLIC HEARINGS:**

##### **Public Hearing on Fee and Fines Resolution – Proposed Amendments Pursuant to Code of Ordinance Section 2-1-Fees and Fines – Beach Admission Fees**

President Roderick opened the advertised public hearing on Beach Fees. Recreation member Deb Ebbitt was in receipt of the January 13<sup>th</sup> memo from Councilor Gerlach, explained the two beaches are open Monday through Labor Day, vast majority of season tickets sold at Fogland, Grinnell's sells more out of state passes. The beaches pay for themselves, last year closed for a half day for water quality testing. Cannot compare these beaches to other beaches. The minutes are not available; the Recreation Commission discussion was to leave the fees the same as the beaches would lose day traffic. Hard to police trash, two years ago had the gates at Grinnell's locked at night. Chairman Rose suggested the fees should remain the same, Ms. Ebbitt explained Massachusetts charges for residents. Councilor Gerlach thanked them for the due diligence, wanted to initiate a dialogue, will support keeping the same fees. No other public comments. Public hearing closed.

Councilor Lambert made a motion, seconded by Councilor Gerlach to maintain the fees currently in place. Motion passed unanimously.

The Town Council was sitting as the Board of Licensing Commissioners:

#### **TOWN COUNCIL SITTING AS BOARD OF LICENSING**

##### **Charles Mulcahy, 65 Beech Avenue, Tiverton – Requests Approval of Annual Renewal of Private Detective License - Subject To Meeting All Legal Requirements**

Police Chief Thomas Blakey explained Mr. Mulcahy met all the qualifications, recommend renewal.

Councilor Lambert made a motion, seconded by Councilor Chabot to approve the request for Annual Renewal of Private Detective License for Charles Mulcahy, 65 Beech Avenue, subject to meeting all legal requirements. Motion passed unanimously.

##### **Prim Rose Bakery, 115 Stafford Rd, Tiverton – Requests Approval of Late Annual Renewal of Victualling License - Subject To Meeting All Legal Requirements**

Town Clerk Mello explained this was a late annual renewal, late fee has been charged.

Councilor Lambert made a motion, seconded by Councilor Chabot to approve the Late Annual Renewal of Victualling License for Prim Rose Bakery, 115 Stafford Road, subject to meeting all legal requirements. Motion passed unanimously.

#### **APPOINTMENTS & RESIGNATIONS:**

##### **APPOINTMENTS AND REAPPOINTMENTS GROUP "A" ADVERTISED PER POLICY TERMS BEGIN APRIL 15<sup>TH</sup>**

##### **Art's Committee - 3 Year Term Expiring April 15, 2016 -Wanda C. Longshaw, 24 Chester Street**

Town Clerk Mello explained those seeking reappointment are invited to come before the Council; MS. Longshaw was unable to attend due to a prior commitment.

Councilor Chabot made a motion, seconded by Councilor deMedeiros to reappoint Wanda C. Longshaw, 24 Chester Street to the Art's Committee for a three year term expiring April 15, 2016. Motion passed unanimously.

**Cemetery Commission – 3 Year Term Expiring April 15, 2016 - John S. Christo, 48 Canonicus Street**  
Town Clerk Mello explained Mr. Christo was at a Wastewater Management meeting, unable to attend.

Councilor Chabot made a motion, seconded by Councilor deMedeiros to reappoint John S. Christo, 48 Canonicus Street to the Cemetery Commission for a three year term expiring April 15, 2016. Motion passed unanimously.

**Historical Cemetery Commission – 3 Year Term Expiring April 15, 2016- Ann Cary Bailey, 27 Sloop Lane**  
Ms. Bailey was unable to attend due to a prior commitment.

Councilor Chabot made a motion, seconded by Councilor deMedeiros to reappoint Ann Cary Bailey, 27 Sloop Lane to the Historical Cemetery Commission to a three year term expiring April 15, 2016. Motion passed unanimously.

**Open Space Commission – 3 Year Terms Expiring April 15, 2016**

**a.Garry Plunkett, 266 Indian Point Road                      b.Brian Janes, 286 Seapowet Avenue**

Mr. Plunkett and Mr. Janes were both in attendance but did not speak on the reappointment requests.

Councilor Gerlach made a motion, seconded by Councilor Arruda to reappoint Garry Plunkett, 266 Indian Point Road and Brian Janes, 286 Seapowet Avenue to the Open Space Commission each for a three year term expiring April 15, 2016. Motion passed unanimously.

**Street Advisory Committee – 2 Year Term Expiring April 15, 2014- Audrey Gloddy, 195 Crandall Road**  
Ms. Gloddy was unable to attend, requested this be continued to the April 22<sup>nd</sup> meeting.

**Wastewater Management Commission – 3 Year Terms Expiring April 15, 2016**

**a.John S. Christo, 48 Canonicus Street                      b.Christopher Nearpass, 110 Stoney Hollow Road**

Mr. Christo and Mr. Nearpass both unable to attend due to the Wastewater meeting.

Councilor Chabot made a motion, seconded by Councilor deMedeiros to reappoint John S. Christo, 48 Canonicus Street and Christopher Nearpass, 110 Stoney Hollow Road each to a three year term expiring April 15, 2016. Motion passed unanimously.

President Roderick questioned if Mr. Christo could be on both committees. Solicitor Teitz checked for a conflict, Mr. Christo could serve on both of these committees.

#### **RESIGNATION**

**Recycling/Landfill Committee – Deborah Dupont, 359 Hooper Street**

President Roderick thanked Ms. Dupont for her service, requested the Clerk to send a letter.

Councilor Gerlach made a motion, seconded by Councilor Chabot to accept with regret the resignation of Deborah Dupont from the Recycling/Landfill Committee. Motion passed unanimously.

#### **UNFINISHED BUSINESS:**

**Town Administrator – Approval of Advertising and Job Description for Position of Town Planner**

T/A Goncalo made modifications, reviewed by the Solicitor, incorporated the suggested changes, gave Council a clean and a red lined copy, funding the position is an issue. Councilor deMedeiros noted, at the Budget Committee meeting on Saturday some funding was restored. President Roderick suggested holding off on the

advertising until the funding is known. T/A Goncalo requested both the advertising and the job description be approved even if the advertising was not going to happen at this time.

Councilor Lambert made a motion, seconded by Councilor Gerlach to approve the job description for a Town Planner. Motion passed on a vote of 5-1, Councilor deMedeiros opposed.

President Roderick noted the Council will continue to look at going forward when able to advertise.

#### **Town Adm – Update of Drainage Issue at Pocasset School and Request to Waive Bidding Procedure**

T/A Goncalo explained this was raised at the last Council meeting; discussed with the School Department, estimate \$14k cost, School Committee will also be voting to waive the bidding process. Will have Clement Rose do testing for ledge, request to waive the bidding process. DPW Director Berlucchi explained, need to know what is under the ground, if there is ledge could triple the cost. Solicitor Teitz suggested making sure there is some sort of cap. Councilor Arruda was there when it was flooded, advocating more of a permanent solution. Jim O'Dell submitted color photos of the water flooded areas. Councilor Arruda added the water was very deep; cost of doing nothing far outweighs the cost of the solution. Recreation Chair Gary Rose agreed made sure the Council was aware of the many youth organizations using the fields, need clearly marked as a hazard, should be done expeditiously. There is also a utility line going to the field that would need to be marked. T/A Goncalo will make sure that happens. Mr. Rose suggested making sure there was an adequate path, have a lot of foot traffic in that area. Mr. O'Dell had discussed with Clement Rose, test holes will be back filled immediately. Sally Black, Chair of the School Committee thanked all for coming together and working to solve the problem.

Councilor deMedeiros made a motion, seconded by Councilor Chabot to waive the bidding process, with a cap at \$14,250. Motion passed unanimously.

**Councilor Chabot recused, related to a shareholder, left the Council table.**

#### **Tiverton Yacht Club – Request to Withdraw Without Prejudice A Prior Request to Amend the Zoning Ordinance, Article VI Other District Regulations**

##### **Opinion From Tiverton Conservation Commission**

Attorney Kenneth Tremblay appearing for the Tiverton Yacht Club, Inc. and Franklin D. Raposa, Peter Corr and Richard Toulin, as Trustees under Declaration of Trust dated May 6, 1957, requested to withdraw without prejudice a prior request to amend the Zoning Ordinance, Article VI Other District Regulations. The Council suggested going to several other boards since the Planning Board had conflicts. There were some positive suggestions, now asking to withdraw in order to incorporate some of the suggested changes and come back with a revised request. President Roderick noted it was within their purview to withdraw the request.

Councilor Lambert made a motion, seconded by Councilor Arruda to grant the request to Withdraw Without Prejudice A Prior Request to Amend the Zoning Ordinance, Article VI Other District Regulations as fully set forth in agenda item E3. The motion passed on a vote of 5-0-1, Councilor Chabot abstained, recused.

#### **FINANCIAL BUSINESS:**

##### **Proposed Budget for FY 2013/14**

##### **a. Town Council Resolution for Docket Regarding Sale of Town Held Properties**

Solicitor Teitz explained the proposed resolution would authorize transfer at not less than Fair Market Value, any of the municipally owned buildings, no sunset clause with this resolution.

Councilor Gerlach made a motion, seconded by Councilor deMedeiros to approve the Resolution for Sale of Town Held Properties. Motion passed unanimously.

The adopted Resolution was as follows:

RESOLVED, that pursuant to Section 204 of the Town Charter, the Town Council is hereby authorized to transfer ownership of any of the following of Tiverton's municipally owned buildings: Nonquit School, Judson Street Community Center, Senior Center, Town Hall, and DPW facility; provided that any such transfer is not less than Fair Market Value.

**b.Possible Town Council Resolutions for Docket**

President Roderick requested if there were any Town Council resolutions for the docket. Solicitor Teitz explained if the Council wanted a resolution prepared or a resolution changed this was the opportunity. Councilor Gerlach suggested a capital improvement restricted fund, T/A Goncalo agreed, would normally do here but there is no funding in this budget.

**c.Possible Optional Budget by Town Council**

President Roderick noted the Council had met with the Budget Committee (B/C) , agreed with some items, expected the budget to be cut by the B/C, not happy with some of the changes. Realize the B/C has the Town's best interest at heart. Decisions made as a Council; made great steps to rid the divisiveness, need to learn to compromise, do not like this budget 100%. Councilor Lambert adopted the President's comments, Council made a policy decision the Town should advertise and find a planner, not in the purview of the B/C to second guess the Town Council. Do not plan to submit an optional budget, trying to work together, have made clear do not agree with some items, can have difference of opinions. Councilor deMedeiros noted the B/C did reconsider and compromise replaced some funding for a part time Planner. Councilor Gerlach echoed those sentiments, once the FTR is over would like to sit with the B/C to review what went well and what can be done to improve the process in a more collaborative fashion. Councilor Chabot was there for many meetings, the B/C did due diligence, compromised on many items. President Roderick thanked the Council and the B/C for all the hard work. Solicitor Teitz noted no action was needed, need no vote.

**NEW BUSINESS:**

**Kate Michaud, Planning Dept – Request for Town Council Resolution – Enterprise Zone**

Kate Michaud, Planning Board Administrative Officer requested Council adoption of a resolution for Enterprise Zone. Ms. Michaud explained the Enterprise Zone was created to give incentive to spur job creation. The law was changed in 2010 making only "C" corporations eligible. Legislation has been introduced this year to expand eligibility to "S" corporations and "LLC"s which would allow some small business to participate in the program. Councilor Chabot read the proposed resolution.

Councilor Chabot made a motion, seconded by Councilor Gerlach to adopt the proposed Resolution in Support of H5892 and S0741 Legislation Relating to Taxation- Personal Income Tax. Motion passed unanimously.

The Adopted Resolution was as follows:

**RESOLUTION OF THE TIVERTON TOWN COUNCIL**

**RESOLUTION IN SUPPORT OF H 5892 AND S 0741**

**LEGISLATION RELATING TO TAXATION – PERSONAL INCOME TAX**

*WHEREAS:* The Rhode Island Enterprise Zone Program awards tax credits to businesses for adding new full time jobs, which is of benefit to the State in reducing unemployment as well as adding new Rhode Island hires that pay State income taxes, and

*WHEREAS:* Changes to the Rhode Island Tax Code in 2010 included the elimination of the use of the Enterprise Zone Tax Credits by individuals in the filing of personal income tax, and

*WHEREAS:* The aforementioned tax code change can negatively impact the owners of businesses established and operating as pass through entities, such as LP, LLP, LC, LLC, sub-chapter "S", partnership, sole proprietor, and

*WHEREAS:* The majority of businesses, and especially small and start-up companies, operate as pass through entities,  
*NOW THEREFORE BE IT RESOLVED:* That the Tiverton Town Council strongly expresses its support of House Bill H5892 and Senate Bill S0741 as introduced.

*RESOLVED:* That a copy of this Resolution be forwarded to the Honorable Governor, House Speaker Gordon D. Fox, Senate President M. Theresa Paiva Weed, State Senators and State Representatives.

*PASSED AND APPROVED THIS 8<sup>TH</sup> DAY OF APRIL 2013.*

*APPROVED:* \_\_\_\_\_ Edward A. Roderick, Town Council President

*ATTEST:* \_\_\_\_\_ Nancy L. Mello, Town Clerk

### **Robert Martin – Request Amendment to Ordinance to Allow Sponsor signs for Recreation**

Mr. Martin explained the request, looking to have sponsor signs for the Recreation complex, sign ordinance prohibits signs, need guidance. Gary Rose noted, was not uncommon to signs of this type, would be small and discrete. President Roderick explained the Solicitor will have to look at recalled the banners had some restrictions. Councilor Gerlach requested the Solicitor to forward the current ordinance to the Recreation Commission. Gary Rose will get samples of other communities' ordinances for next meeting.

### **TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:**

#### **Recognizing Leonard Schmidt Stepping Down as Chairperson From EDC**

Administrator Goncalo explained Len Schmidt was stepping down as Chair of the EDC; owe a debt of gratitude to Mr. Schmidt. The EDC has been recognized locally and at the State level, thanked Len and wished him well. Scott Humphrey, now Chair of the EDC, explained Mr. Schmidt who stepped down last month, has been a member of the EDC since 2005, persistent about bringing business to Tiverton. Mr. Schmidt will continue in an advisory role for the next several months. President Roderick noted Mr. Schmidt was instrumental to the EDC, did a yeoman's job to enlighten people to continue to try to bring business to Tiverton. Congratulate Mr. Schmidt and the EDC for all their hard work.

1. Website update-RI.gov will have a BETA site for the Town in a couple of weeks.
2. Seawall repair being done on Riverside Drive.
3. Pension review commission-will be testifying.
4. Pocasset drainage already addressed earlier in the agenda.
5. CDBG-working on getting quotes for the Senior Center refrigerator and stove.
6. April 13-20 is Clean up Week, for Conservation to adopt an area, kick off at Grinnell's Beach at 9:00 am on the 13<sup>th</sup>. Free blue bags at the library, cannot be put out with regular trash, notify DPW for pick up.
7. Algonquin Gas extending a 12" line for 1.5 miles in South Tiverton and Little Compton.
8. Recycling 149 tons this March versus 147 last year.
9. Tax collections as of today, 93.13%, as opposed to 91% last year.

### **COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

Councilor Chabot reminded everyone about the Pocasset Cemetery rule as of April 15<sup>th</sup> any unauthorized articles will be removed from the grave sites in Section 6000 per order of the Cemetery Commission. Councilor Lambert was recognized as Council liaison to the Newport County Chamber of Commerce. Councilor Gerlach announced there would be a House hearing on April 25<sup>th</sup> on tolls at 1:00 pm. Town Clerk Mello explained Representative Edwards forwarded email to the Clerk was forwarded to Council. There will also be a hearing on the Dry Lands Bill. Councilor Gerlach will try to rearrange work schedule, encouraged as many as possible to attend.

### **TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:**

#### **Town Council Resolution for Quarterly Tax Payments**

Solicitor Teitz drafted a resolution as set forth in State law, required to have the ability to pay quarterly at no additional charge, usually done at the end of the FTM, last year done as a resolution of the Council, propose adopting at this time. Set forth as prepared in the last several years, removed dates so it will continue.



Councilor Lambert made a motion, seconded by Councilor deMedeiros to adopt the 2013-2014 Quarterly Tax Payment Schedule as duly set forth in agenda item K1. Solicitor Teitz requested omitting 2013-2014, had taken out all other dates and just call it Quarterly Tax Payment Schedule. Councilor Lambert amended to reflect, Councilor deMedeiros seconded the amended motion which passed unanimously.

The Adopted Resolution was as follows: **Town of Tiverton - Resolution**  
**QUARTERLY TAX PAYMENT SCHEDULE**

**WHEREAS;** the Town of Tiverton, Rhode Island amended its Home Rule Charter on November 8, 2011, to change the form of establishing an annual appropriation, including the Town of Tiverton's tax assessment and levy, from a Financial Town Meeting to a Financial Town Referendum; and

**WHEREAS;** Rhode Island General Law Section 44-5-7 requires for the provision that residents be able to pay tax in quarterly installments and Section 44-5-8 provides the specific language to be used in that provision;

**IT IS HEREBY RESOLVED** by the Town Council of Tiverton, Rhode Island that the following shall be deemed to be part of whatever tax assessment resolution is ultimately adopted by the Financial Town Referendum to comply with state law:

1. Purpose

Pursuant to Rhode Island General Laws Section 44-5-7 and 44-5-8, the payment of taxes assessed under Rhode Island General Laws Section 44-5-1 shall be allowable in quarterly installments free of any charges, interest, penalties, or other assessments.

2. Schedule

The tax may be paid in 4 installments, the first installment of twenty-five percent (25%) on or before the 1<sup>st</sup> day of July ; the second installment of twenty-five percent (25%) on or before the 1<sup>st</sup> day of October; the third installment of twenty-five percent (25%) on or before the 1<sup>st</sup> day of January; and the fourth and final installment of twenty-five percent (25%) on or before the 1<sup>st</sup> day of.

3. Interest

Each installment of taxes, if paid on or before the last day (or within the ten-day grace period thereafter, as set forth in Paragraph 4 herein) of each installment period successively and in order, shall be free from any interest charge.

4. Penalty for delinquent payment

If the first installment or any succeeding installment of taxes is not paid by the tenth day after the last date of the respective installment period or periods as they occur (July 10, ; October 10, ; January 10, ; and April 10, respectively), then the remaining unpaid balance of the tax for that quarterly installment shall immediately become due and payable and shall carry until collected an interest penalty at the rate of twelve percent (12%) per year, calculated from July 1, of the year of the first installment.

5. Effective date

This resolution will become effective immediately upon its passage and will remain in effect until the adoption of a revised tax assessment resolution.

Adopted by the Town Council on the 8th day of May, 2013. \_\_\_\_\_ Nancy Mello, Town Clerk

**TOWN CLERK ANNOUNCEMENTS:**

**Reserving April 29<sup>th</sup> for Town Council Workshop – Scheduling Items**

Town Clerk Mello explained the fifth Monday kept open for Council workshops, the workshop on the 29<sup>th</sup> will now be with the Planning Board. Will keep open in case Council wants to place other items on that agenda.

**Information on Polling Locations for FTR and Voter Registration Deadlines**

Town Clerk Mello reminded about the FTR, on May 15<sup>th</sup>, voter registration deadline April 21<sup>st</sup> open from 8:30 am to 4:00 pm. Will follow same procedure as last year. Due to redistricting the Town is now horizontally divided for precincts. The Board of Canvassers plans to use three locations, Countryview, the VFW and a third to be determined, possibly Amicable. Optional petitioners budget request will be available April 16<sup>th</sup>, must be returned by April 23<sup>rd</sup>. Will incorporate the Council resolution from this meeting, the B/C docket is the docket that will be put forth and will not be available until any optional budgets are submitted. Marcia Pobeznik questioned the Clerk about the date of the FTR, May 21<sup>st</sup> and not May 15<sup>th</sup>. Town Clerk apologized, looked at last year's date, FTR is May 21, 2013. The last day to register to vote is April 21<sup>st</sup>. The B/C presentation is on April

24<sup>th</sup> and the FTR hearing is on May 2<sup>nd</sup> at Tiverton High School in the auditorium at 7:00 pm. The hearing is for public comment.

Solicitor Teitz requested removing one item from Executive Session, item #4, Town Solicitor –42-46-5(a)(2) Litigation – McInnis no need to address at this point.

**CLOSED EXECUTIVE SESSION:**

**Brian Janes - Open Space – Acquisition of Town Held Property 42-46-5(5)**

**Town Solicitor – 42-46-5(a) (2) – Potential Litigation – Stafford Pond**

**Town Solicitor - Prospective Business or Industry 42-46-5(a) (6) – Industrial Park**

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5 (5) – Brian Janes – Open Space – Acquisition of Town Held Property. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) - Town Solicitor – Potential Litigation – Stafford Pond. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (6) - Town Solicitor – Prospective Business or Industry – Industrial Park. Motion passed unanimously.

The Council entered into Executive Session at approximately 9:20 p.m.

The Council returned to Open Session at approximately 10:15 p.m.

**OPEN SESSION:**

Council President Roderick stated action had been taken in Executive Session.

Solicitor Teitz stated action was taken regarding open space. Councilor Lambert motioned to seal the minutes regarding open space, seconded by Councilor deMedeiros. Motion passed unanimously.

Action was taken in Executive Session regarding Stafford Pond. Motion was made by Councilor Gerlach to seal the minutes regarding Stafford Pond in Executive Session. Seconded by Councilor Lambert, motion passed unanimously.

No Action was taken in Executive Session regarding Industrial Park. Motion made by Councilor Arruda, seconded by Councilor deMedeiros to seal the minutes. Motion passed unanimously.

**ADJOURNMENT:**

Motion made by Councilor Gerlach to adjourn, seconded by Councilor deMedeiros. Motion passed unanimously.

Council meeting adjourned at approximately 10:20p.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk